PART IV

Section—2-C (i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

HOME SECRETARIAT

Notification No HD 5 TMI 76,

Bangalore dated 10th May 1978

In exercise of the powers conferred by section 30 of the Karnataka Contract Carriages (Acquisition) Act, 1976 (Karnataka Act No 21 of 1976), the Government of Karnataka hereby makes the following rules namely :—

1 Short title and commencement :—(1) These rules may be called the Karnataka Contract Carriages (Acquisition) Rules, 1978.

(2) They shall come into force at once

Definitions—In these rules, unless the context other-wise requires.

(a) "Act" means the Karnataka Contract Carriages (Acquisition) Act 1976 (Karnataka Act 21 of 1976) ;

(b) 'agent or representative of operator' means a person holding a power of attorney authorising him to act on behalf of the operator ; or an agent or representative empowered by written authority signed by the operator :

(c) "Form" means a form appended to these rules ;

(d) "Section" means a section of the Act:

3 Powers of the administrators.—The administrators shall for the purpose of performing their functions and discharging their duties under the Act and these rules have power to.—

(a) utilise the services of the employees of the operator and to employ such additional staff as may be necessary ;

(b) order the production of any document, books of account, registers or records relating to the property acquired or liable to be acquired which are in the possession or power of any person having the control of or employed in, the organisation of the operator ; and

(c) examine any person having the control of or employed in connection with, the business of the operator.

4. Qualification for appointment of Authorised Officers—A person shall not be qualified for appointment as Authorised Officer unless he possesses a degree of University established by law in India or equivalent qualification and holds a post of Class I Senior scale under the State Government

5. Powers of the authorised officers and arbitrators—Every authorised officer, arbitrator and person appointed to assist the

arbitrators shall have the powers conferred on the administrators under rule 3 except the power specified in clause (a) of the said rule.

6. Legal practitioner or an authorised agent entitled to appear.—In any proceedings before the administrator, authorised officer, arbitrator or the State Government, any person interested shall be entitled to be represented by a legal practitioner or by a duly authorised agent or representative to act or plead on his behalf.

7. Operator to furnish complete inventory of properties which vest in Government.—Every operator shall prepare and hand over to the Government or to such officer as the State Government may by general or special order specify a complete inventory in Form I. Of the properties which vest in the Government. In drawing up the inventory all deficiencies and shortage due to theft or loss or major defects in the properties shall be clearly indicated by the operator in the said form.

8. Checking of inventory.—(1) The administrator shall arrange for the checking and taking over of the assets of the operator which vest in the State Government.

(2) Every operator or his agent or representative, as the case may be, shall give the administrator and his officers and officials all facilities for checking (inclusive of physical checking where necessary) the inventory and their acquisition cost or book value.

9. Attestation of defects, shortages and losses found during checking.—If the administrator or any of his officers of officials notice any discrepancy or defect during checking he shall record them and get them attested by the operator or his representative or agent, as the case may be. If such operator or his representative or agent refuses to do so, or is absent, the absence being not occasioned by reasonable cause, the administrator or the officer or official shall note such fact.

10. Alteration or removal of assets prohibited.—Every operator or his representative or agent, as the case may be, shall ensure that the assets vesting in the State Government shall not be removed or tampered or dealt with in any manner until such assets are delivered to the State Government. Where, however, the alteration or removal of the assets becomes necessary, it shall be done only after obtaining the permission in writing of the administrator.

11. Form for claiming amount by person interested.—Every claim under sub-section (1) of section 8 shall be in Form-2 and shall contain the following particulars namely :—

(a) Registration number of the vehicle;
(b) Original cost of acquisition of the vehicle;
(c) Details of depreciation if any claimed for Income Tax purpose.
(d) Whether the vehicle was involved in accident or has suffered any damage, if so give details ; and
(e) Names of persons who have a claim for the amount.

12 **Arbitration Proceedings:**—(1) Every arbitrator shall complete the arbitration proceedings and give his award within four months. If, any reason, he is unable to give his award within that period, that State Government may, if it thinks fi, whether the time for making the award has expired or not, extent, from time to time, the time for making the award.

(2) Every arbitrator shall take down the evidence of each witness, not ordinarily in the form of question and answer, but in that of a narrative and shall sign it and get it attested by the witness.

(3) Where, before an arbitrator is unable to finish the arbitration proceeding and make his award, a new arbitrator is appointed, the new arbitrator may deal with the evidence taken down by his predecessor as if such evidence had been taken down by him and may proceed with the arbitration proceedings from the stage at which his predecessor left it.

(4) The costs of arbitration and award shall be in the discretion of the arbitrator who may direct to and by whom, and in what manner, they or any part thereof shall be paid.

(5) When an arbitrator has made his award, he shall sign it and shall give notice in writing to the parties to the reference, of the making and signing thereof. He shall also send to the State Government as well as to the persons concerned a copy of the award with a note setting forth the grounds on which the award is based. The award in original together with the records of the proceedings shall be forwarded.

(a) to the High Court, if an appeal is preferred against the award;

(b) to the State Government, if so such appeal is preferred within the said period;

(6) On receipt of the award, the State Government shall subject to the provisions of the Act, pay the amount awarded by the arbitrator to the person or persons entitled thereto.

13 **Summoning of persons and Witnesses and Production of Documents**:—Every order under Section 13 summoning and enforcing the attendence of any person and examing him on oath or requiring the discovery and production of any document shall be issued in Form-3. Every order requisitioning public records from any court of office shall be issued in Form-4. Every order issuing commissions for examination of witnesses shall be in Form-5.

14 **Contents of Appeal**:—(1) Every appeal under section 18 shall,—

(a) be either typewritten or written in ink in clearly legible hand;

(b) specify the name, father's name and postal address of the appellant;

(c) contain a brief statement of facts of the case;

(d) clearly state the grounds of appeal and the relief claimed;

(e) if filed after the expiry of the period of thirty days, state the reason for such delay ;

Provided that where the appellant wants the delay to be condoned he shall file a separate application alongwith an affidavit explaining the circumstances relied upon failing which the appeal shall be dismissed in-limine.

(2) Every appeal shall be accompanied by a certified copy of the decision in respect of which the appeal is filed.

(3) Every such appeal shall be affixed with a court fee stamp of Rupees ten.

(4) The affidavit referred to in sub-rule (1) shall set forth the cause title of the appeal and shall describe every person making affidavit in such a manner as will be sufficient to identify him clearly.

(5) The affidavit shall be confined to statements of fact and avoid arguments and when it contains statements of facts not within the declarants personal knowledge but based on information received by the declarant, he shall state so and that he believes them to be true and also give the source of such information wherever possible and ground of his belief, if any.

15. **Intimation of Transfer of Contract Carriages and their permits to the Corporation to the Authority which issued the permit for Registration in its Records :**—In respect of contract Carriages transferred to the Corporation under section 20, the Corporation shall intimate such transfer to the authority which issued the permit. On respect of such intimation, the said authority shall make necessary entries in its records and intimate the parties to the transfer and to the authority, if any, which countersigned the permits, the entries so made within fifteen days, from the date of receipt of the intimation.

16. **Repeal and Savings ;**—The Karnataka Contract Carriages (Acquisition) Rules, 1978, are hereby repealed.

Provided that such repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder.

FORM-1. (*See* rule 7)

FORM OF STATEMENT OF INVENTORY OF PROPERTY WHICH VESTS IN THE STATE GOVERNMENT.

Contract Carriage Operator's

No. Dated.

I/We..... ..... a Contract Carriage operator, whose property vests in the Government under Karnataka Contract Carriage (Acquisition) Act, 1976 (Karnataka Act 21 of 1976) hereby submit in the Appendices I to VI to this letter the complete inventory of the property referred to in Section 5.

Signature of the Contract Carriage Operator with also name in Block Letters.

APPENDIX I

List of Contract Carriages of..... .....

Particulars of Vehicle													
Serial Number	Registration Number	Particulars of route/ area of operation.	Number of permit	Date of issue of permit	Date of expiry of permit.	Authority who issued the permit.	Make of Vehicle	Year of manufacture.	Date of Registration.	Chassis number	Engine number	Acquisition of cost of Vehicle.	
1	2	3	4	5	6	7	8-A	8-b	8-c	8-d	8-e	8-f	
												Rs.	
Contract Carriages													

Total of acquisition on cost of Rs. .....

Note :—

APPENDIX II

List of other vehicles Predominantly used for Operation of Contract Carriages by ....

Sl. No.	Class of vehicle	Make	Year of manufacture	Date of Registration.	Registration number	Purpose for which used	Acquisition cost Rs.
1	2	3	4	5	6	7	8

Total of acquisition cost.

Note :—

Signature of the Contract Carriage Operators.

APPENDIX-III.

List of lands and/or buildings owned by Contract Carriage operator and predominantly used for service of Contract carriage.

Sl. No.	Name of Place or village	Survey Number of land owned/ leased.	Total extent of land owned/ leased.	Boundaries of land owned				Classification of land owned.			Whether the land owned is private etc.	Registered owner of land (Owned/leased).	Other particulars if any of the land owned	Built up area on the land owned/leased.	Details of buildings and their uses.	Whether buildings are owned by Contract carriage Operator
				North by	South by	East by	West by	Wet	Dry	Garden						
1	2	3	4	5-a	5-b	5-c	5-d	6-a	6-b	6-c	7	8	9	10	11	12

Note:—

Signature of the Contract Carriage Operator.

APPENDIX-IV.

Details of land and/or buildings leased on predominantly used for service of Contract Carriage.

Sl No	Name of place town or village.	Survey number of land leased.	Extent of land leased.	Boundaries of land leased				Registered owner of the land leased and his address.	Monthly/annual rent paid for leased land.	Details of buildings leased and their built up area	Monthly/annual rent paid for each of the leased building.
				North by	South by	East by	West by				
1	2	3	4	5	6	7	8	9	10	11	12

Note :—

Signature of the Contract Carriage Operator.

APPENDIX V

List of Spares and Stores used for Maintenance of Vehicles

Sl. No.	Details of spares/stores	Units
1)	(2)	(3)
	Book value of spares and stores as on	Rs.

Note :—

Signature of the Contract Carriage Operator.

APPENDIX VI

List of Machinery, Tools, Plants, Apparatus and Instruments Used in connection with service of Contract Carriage.

Sl. No.	Details of machinery tools, plants, apparatus & instruments	Units	Date of acquisition	Acquisition Cost
(1)	(2)	(3)	(4)	(5)
				Rs.
	Total of acquisition cost :			

Note :—

Signature of the Contract Carriage Operater.

FORM 2

(*See Rule 11*)

To

Shri.....
(Authorised Offioer),

I, ...
son/daughter/wife of .....
and about.....
years, residing at.....

being .....
being a person interested in the amount determined under Section 6 of the Karnataka Contract Carriage (Acquisition) Act, 1976 (Karnataka Act 21 of 1976) hereby prefer my claim in the amount as follows :—

2. In this paragraph the person interested should furnish the complete details of his/her claim :—

3. I enclose herewith the following documents in original in support of my claim :—

(here furnish details of the documents enclosed)

Yours faithfully,

Signature of the person interested.

Note :—Signature, name in block letters and address of the witnesses to be given.

FORM-3

(*See* Rule 13)

SUMMONS TO WITNESS

Case No. ..... of 197 .

In the Office of

Proposed fixation of compensation in respect of

To

.....

.....

.....

Whereas your attendance is required to give evidence/produce the documents described in the list enclosed in the above case, you are hereby required (Personally) to appear before the undersigned on the ..... day of ..... at ...0' clock in the forenoon/afternoon and to bring with you (or to send to this Office said documents.

In case you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in the Rule 12 of Order XVI of Code of Civil Procedure 1908.

Given under my hand this day of ..... 197 .

Arbitrator/Authorised Officer.

(Seal)

FORM—4

(See Rule 13)

REQUISITION OF PUBLIC RECORD

To

.....

.....

Please arrange to send per bearer/through your representative on ..... the public record(s) mentioned below for my examination in connection with the proposed fixation of amount in respect of

Given Under my hand. this day of .....197 .

Details of records:—

1.

2

(Seal) Arbitrator/Authorised Officer.

FORM 5

(See *Rule* 13)

FORM OF COMMISSION

(In the matter of.....)
It is ordered as follows :—

1. A Commission may issue direction to.....of..... for the examination upon interrogatories or *viva-voce* before the aforesaid Commissioner of the follow ng witnesses :—

(1)
(2)
(3)

2. In the event of any witness on his examination, cross examination or re-examination producing any book, document letter paper or writing, and refusing for good cause to be stated in his deposition, to part with the original thereof, then a copy thereof, or extract therefrom certified by the Commissioner to be a true and correct copy or extract shall be annexed to the witnesse's deposition.

3. Each witness to be examined under the Commission shall be examined on oath, affirmation or otherwise in accordance with his religion by or before the said Commissioner.

4. The deposition to be taken under and by virtue of the said Commissioner.

5. The interrogatories, cross-interrogatories and deposition together with any documents referred to therein or certified copies thereof or extracts therefrom shall be sent to the arbitrator on or before the.....day..... or such further or other day as may be ordered by registered post.

Dated this.....day.....197.

Arbitrator/Authorised Officer.

By Order and in the name of the Governor of Karnataka,

M. VENKATASWAMY,
I/c Under Secretary to Government,
Home Deptt.

G.S.R.—122

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